

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOHN ANTHONY CASTRO

Plaintiff,

v.

SECRETARY OF STATE WILLIAM  
FRANCIS GALVIN, and

DONALD JOHN TRUMP,

Defendants.

Civil Action No. 1:23-CV-12121-MJJ

**MOTION OF DEFENDANT DONALD J. TRUMP FOR  
LEAVE TO EXCEED PAGE LIMIT**

Defendant Donald J. Trump, through counsel, hereby moves to exceed the page limit with respect to a *Memorandum in Support of Motion to Dismiss* pursuant to Local Rule 7.1(b)(4). Defendant requests an additional ten (10) pages to fully address Plaintiff's allegations and the Constitutional issues they necessarily implicate. In support, Defendant states as follows:

1. Local Rule 7.1 provides that “[a] party filing a motion shall at the same time file a memorandum of reasons, including citation of supporting authorities, why the motion should be granted.” L.R. 7.1(b)(1). And “[m]emoranda supporting or opposing allowance of motions shall not, without leave of court, exceed 20 pages, double-spaced.” L.R. 7.1(b)(4).

2. Plaintiff Castro is a serial litigant who has filed identical lawsuits across the country seeking emergency and immediate relief in an effort to strike former President Trump from the ballot for the 2024 election for President of the United States.

3. The relief Plaintiff seeks in this case, while baseless, is extraordinary. Plaintiff's claims implicate profound Constitutional issues with respect to a major party front-runner's access to the ballot in connection with the upcoming election for the chief executive.

4. Plaintiff's Complaint gives rise to a number of threshold defects pursuant to Federal Rule of Civil Procedure 12(b) which provide multiple independent grounds to dismiss the Complaint in its entirety.

5. Thorough briefing on each basis for dismissal is necessary in this instance. The jurisdictional issues are highly important in this case and must be addressed before any non-jurisdictional issues are considered.

6. Under these circumstances, Defendant believes that a full briefing on all Rule 12(b) dispositive issues serves the interests of judicial economy—for this Court's consideration and for other courts which might hear the same (or similar) issues brought by this Plaintiff.

7. Defendant submits that these circumstances constitute good cause under Rule 7.1(b)(4) for an exceedance of the page limit from 20 pages to 30 pages. Therefore, Defendant respectfully requests an additional 10 pages for his anticipated *Memorandum in Support of Motion to Dismiss*.

Dated: October 11, 2023

Respectfully submitted,

DONALD J. TRUMP

By Counsel,

/s/ Brian T. Kelly  
Brian T. Kelly (BBO No. 549566)  
Thomas A. Barnico, Jr. (BBO No. 696929)  
Nixon Peabody LLP  
53 State Street  
Boston, MA 02109  
617-345-1000  
bkelly@nixonpeabody.com  
tbarnico@nixonpeabody.com

**CERTIFICATE OF CONFERENCE**

In accordance with Local Rule 7.1(a)(1), I hereby certify that counsel for Defendant attempted in good faith to resolve or narrow the issues set forth in this motion with Plaintiff via e-mail on October 10, 2023. Plaintiff opposes this motion.

/s/ Brian T. Kelly

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on October 11, 2023.

/s/ Brian T. Kelly